

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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KAYLA DATTOMA,

Plaintiff,

v.

WAL-MART,

Defendant.

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Civ. Action No.: 18-12392-BRM-TJB

**ORDER**

**THIS MATTER** is opened to the Court by Plaintiff Kayla Dattoma’s (“Plaintiff”) application to proceed *in forma pauperis* (“IFP”) (ECF No. 1-1). Pursuant to 28 U.S.C. § 1915, a court may allow a litigant to proceed IFP, provided the litigant submits a proper application. “The decision to grant [IFP] status turns on whether an applicant is “economically eligible” for such status.” *Taylor v. Supreme Court*, 261 F. App’x 399, 400 (3d Cir. 2008) (quoting *Sinwell v. Shapp*, 536 F.2d 15, 19 (3d Cir. 1976)). “A person need not be ‘absolutely destitute’ to proceed [IFP]; however, an affiant must show the inability to pay the filing and docketing fees.” *Taylor*, 261 F. App’x at 400 (citations omitted) (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) and *Walker v. People Express Airlines, Inc.*, 886 F.2d 598, 601 (3d Cir. 1989)).

According to the affidavit submitted in support of Plaintiff’s IFP application, Plaintiff has an average monthly income of \$1067.00 from disability and public assistance. On July 23, she started a new per diem job for which she earns an unspecified amount. Plaintiff has no dependents, and owns a car valued at \$2400.00. (*Id.*) Plaintiff’s total monthly expenses are \$720.00, leaving her with at least \$347.00 in excess income each month. (*Id.*) Based on the information submitted by Plaintiff, the Court finds Plaintiff is able to pay the filing and docketing fees in this matter and

that requiring Plaintiff “to pay her own litigation expenses . . . would not deprive her of the ‘necessities of life.’” *Shahin v. Sec’y of Delaware*, 532 F. App’x 123, 124 (3d Cir. 2013) (quoting *Adkins v. E.I. DuPont Nemours Co.*, 335 U.S. 331, 339 (1948)) (finding denial of IFP application appropriate, even if plaintiff is “require[ed ]to save for several months” so long as payment “would not deprive her of the ‘necessities of life’”). Accordingly, for the reasons set forth herein and for good cause appearing,

**IT IS** on this 7th day of August 2018,

**ORDERED** that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1-1) is **DENIED**; it is further

**ORDERED** that this case shall be marked **CLOSED**; and it is further

**ORDERED** that on or before September 6, 2018, Plaintiff may submit payment of the \$400 fee, which includes the \$350 filing fee and the \$50 administrative fee, to reopen this case without further action from the Court.

/s/ *Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**